NOTICE OF FINAL RULEMAKING
FACILITY CHANGE RULEMAKING PACKAGE
Maricopa County Air Pollution Control Regulations
PREAMBLE

1. Rules Affected — **Rulemaking Action**

Rule 100	Amend
Rule 201	New Rule
Rule 220	Amend
Appendix D	New Appendix
Appendix E	New Appendix

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing and implementing statutes: Arizona Revised Statutes (ARS) §49-406(G), ARS §49-479, and ARS §49-480.

3. List of all previous notices addressing the proposed rules:

- September 3, 1998 Public Workshops were announced in Maricopa County's 3rd Quarter 1998 Notice Of Public Workshops And Hearings and in the Record Reporter on September 2 and 9, 1998.
- October 29, 1998 Public Workshops were announced in Maricopa County's 4th Quarter 1998 Notice Of Public Workshops And Hearings and in the Record Reporter on October 7 and 14, 1998.
- December 17, 1998 Public Workshops were announced in Maricopa County's 4th Quarter 1998 Notice Of Public Workshops And Hearings.
- June 17, 1999 Public Workshops were announced in Maricopa County's 2nd Quarter 1999 Notice Of Public Workshops And Hearings and in Maricopa County's 1st Quarter 1999 Visibility Newsletter.
- December 16, 1999 Public Workshops were announced in Maricopa County's 4th Quarter 1999 Notice Of Public Workshops And Hearings and in Maricopa County's 3rd Quarter 1999 Visibility Newsletter and in the Record Reporter on December 8 and 15, 1999.
- May 3, 2000 Public Hearing was announced in Maricopa County's 2nd Quarter 2000 Notice Of Public Workshops And Hearings, in Maricopa County's 2nd Quarter 2000 Visibility Newsletter, and in the Record Reporter. Withdrawn and re-scheduled Public Hearing for July 26, 2000.
- July 26, 2000 Public Hearing was announced in Maricopa County's 3rd Quarter 2000 Notice Of Public Workshops And Hearings, in Maricopa County's 3rd Quarter 2000 Visibility Newsletter, and in the Record Reporter.

Note: Appendix D and Appendix E were discussed with Rule 100 throughout this rulemaking process and were not announced separately.

4. The name and address of agency personnel with whom persons may communicate regarding this rulemaking:

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5. An explanation of the rules, including the agency's reasons for initiating the rules:

Due to an administrative error in the notice and posting of the May 3, 2000 Public Hearing, this rulemaking package was withdrawn from the May 3, 2000 Public Hearing and re-scheduled for the July 26, 2000 Public Hearing. The explanation of the rules in this rulemaking package (described below) has not changed from the previous Public Hearing notice.

This rulemaking package is called the **Facility Change Rulemaking Package**; It corresponds with Arizona Department Of Environmental Quality's (ADEQ's) Facility Change rules effective September 22, 1999.

In April 1998, Maricopa County, ADEQ, and representatives of the regulated community conducted three meetings to discuss serious ozone nonattainment area issues, excess emissions issues, and the status of the Facility Change rules. Per decisions made at these meetings, ADEQ agreed to begin its rulemaking process to revise ADEQ rule R18-2-310 (Excess Emissions) and to address the Facility Change rules issues.

On May 21, 1998, Maricopa County proposed, at Public Workshop #1, revisions to Maricopa County Air Pollution Control Regulations Rule 100, Section 502 (Excess Emissions) and proposed to adopt new Appendix D (List Of Insignificant Activities) and new Appendix E (List Of Trivial Activities) in order to match ADEQ's proposed revisions to rule R18-2-310 (Excess Emissions). By the end of May 1998, ADEQ postponed its rulemaking process for their proposed revisions to rule R18-2-310 (Excess Emissions) and had not yet begun its rulemaking process for the proposed Facility Change rules. Since Maricopa County had already started the rulemaking process for Rule 100, Section 502 (Excess Emissions), new Appendix D (List Of Insignificant Activities), and new Appendix E (List Of Trivial Activities), and since ADEQ's postponement was expected only to last a few months, Maricopa County decided to continue the rulemaking process and decided to include, in such rulemaking process, New Rule 201 (Emissions Caps), which was part of Maricopa County's Facility Change rules.

In the meantime, in July 1998, the Environmental Protection Agency (EPA) submitted written comments to Maricopa County regarding the New Source Review/Prevention Of Significant Deterioration (NSR/PSD) Permit Rules. In their comments, EPA recommended that Maricopa County revise the following Maricopa County Air Pollution Control Regulations: Rule 100 (General Provisions And Definitions), Rule 210 (Title V Permit Provisions), Rule 220 (Non-Title V Permit Provisions), Rule 240 (Permits For New Major Sources And Major Modifications To Existing Major Sources), Rule 241 (Permits For New Sources And Modifications To Existing Sources), and Rule 500 (Attainment Area Classification). After reviewing, researching, and discussing EPA's comments, Maricopa County decided to revise Rule 100, Rule 220, Rule 240, and Rule 500, and that Maricopa County would, in another rulemaking process, address EPA's comments regarding Rule 210 and Rule 241. Since Maricopa County had already continued the rulemaking process for the proposed revisions to Rule 100, Section 502 (Excess Emissions) and had included, in such rulemaking process, New Rule 201 (Emissions Caps), Maricopa County decided to also include, in such rulemaking process, the proposed revisions to Rule 220, Rule 240, and Rule 500.

On September 3, 1998, October 29, 1998, December 17, 1998, and June 17, 1999, Maricopa County conducted Public Workshops to discuss proposed revisions to Rule 100, new Rule 201, proposed revisions to Rule 220, new Appendix D (List Of Insignificant Activities), and new Appendix E (List Of Trivial Activities). At the Public Workshop on December 17, 1998, Maricopa County decided to postpone the rulemaking process because ADEQ was still postponing its rulemaking process for their proposed revisions to rule R18-2-310 (Excess Emissions) and still had not yet begun its rulemaking process for the proposed Facility Change rules.

In late December 1998, ADEQ began a rulemaking process for its Facility Change rules, but was still postponing its rulemaking process for their proposed revisions to rule R18-2-310 (Excess Emissions). Maricopa County compared its proposed revisions to Rule 100, new Rule 201,

proposed revisions to Rule 220, new Appendix D (List Of Insignificant Activities), and new Appendix E (List Of Trivial Activities) to ADEQ's proposed Facility Change rules and made additional revisions as necessary.

On September 22, 1999, ADEQ's Facility Change rules became effective. Maricopa County is proposing to revise Rule 100 (General Provisions And Definitions), New Rule 201 (Emissions Caps), Rule 220 (Non-Title V Permit Provisions), New Appendix D (List Of Insignificant Activities), and New Appendix E (List Of Trivial Activities) in order to match ADEQ's Facility Change rules.

From June 1999 thru March 2000, Maricopa County conducted (10) Staff meetings, (4) conference calls with EPA, (5) informal work group meetings with industries most affected by these rules, and (2) Public Workshops. See Item #10 in this Notice Of Final Rulemaking for a description of the changes that Maricopa County is proposing to Rule 100, New Rule 201, Rule 220, New Appendix D, and New Appendix E.

6. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this State:

Not applicable.

7. A reference to any study that the agency proposes to rely on its evaluation of or justification for the proposed rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:

Not applicable.

8. Economic information:

The following finding has been made by the Arizona Department of Environmental Quality (ADEQ) on this rulemaking package, and it also applies to Maricopa County:

The Facility Change Rulemaking Package provides Non-Title V permittees with greater operating flexibility and a more streamlined, consistent, and timely approach to the air permit revision and facility change process. The list of facility changes that do not require permit revisions has been increased and the requirements for each level or tier of revisions has been decreased.

The Facility Change Rulemaking Package is essentially deregulatory and benefits all regulated entities that apply for a Non-Title V Permit or for Non-Title V Permit revisions. Regulated entities will benefit from a more streamlined minor permit revision process through average cycle time reductions of about one-third (i.e., from 90 days to 60 days).

The following persons may be directly affected by the Facility Change Rulemaking Package:

- Existing Non-Title V permittees, both private and public, who make changes at permitted facilities as well as regulated entities who apply for a Non-Title V Permit.
- Sources in the Phoenix ozone nonattainment area with actual emissions less than 50 tons of volatile organic compound (VOC) and nitrogen oxide (NOx) that are considering changes that would bring the source above 50 tons for one or both of those pollutants.
- Electric utility steam generating units considering pollution control projects that are environmentally beneficial but that would be major modifications.
- Maricopa County Air Quality Division Staff who process permits and permit revisions.

Fees from permit revisions are expected to decline as a result of fewer permit revisions required. Some of the permit revisions that were classified as significant permit revisions will now qualify as minor permit revisions and some minor permit revisions may not be necessary where only notice

or logging is now required. The latter do not entail any fees and it is expected that the administrative burden will be less than for a permit revision. Other savings that may accrue to business owners could result from the ability to make more timely changes to their facilities.

There are no anticipated impacts of the Facility Change Rulemaking Package on either public or private employment. Neither businesses nor government agencies will require additional staff to implement these rules. Since the requirements for permit revisions are simplified and made more flexible, less time will be spent by Maricopa County Staff in processing permit revision applications. Thus, Staff time will be more efficiently utilized.

The Facility Change Rulemaking Package is deregulatory for small businesses because it expands the list of facility changes that do not require permit revisions. Furthermore, business owners will require fewer resources to obtain permit revisions when they are needed.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic information described in Item #8 of this Notice Of Final Rulemaking:

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10. A description of the changes between the current/most recent edition of the rules and the final draft rules to be discussed during the Public Hearing scheduled for July 26, 2000:

Maricopa County's goal for the Facility Change Rulemaking Package is to more precisely describe all facility changes with regulatory consequences and to expand the list of facility changes that do not require permit revisions in order to increase operating flexibility for Non-Title V sources. (Non-Title V sources are not major sources and are not required to obtain a Title V Permit.) Also, the Facility Change Rulemaking Package establishes mechanisms for setting emissions caps.

Maricopa County will discuss the revisions described below (and as shown in the final draft rules) during the Public Hearing before the Maricopa County Board Of Supervisors scheduled for July 26, 2000. See Item #12 in this Notice Of Final Rulemaking for Public Hearing details. Also, see Item #5 in this Notice Of Final Rulemaking for more details about this rulemaking process.

Significant Issues Discussed During This Rulemaking Process:

• Use Of Terms: Attendees of Public Workshops expressed confusion about how the following terms are used in Rule 100: air contaminant, air pollutant, air pollution, air pollution control equipment, conventional air pollutant, pollutant, and regulated air pollutant. Maricopa County began researching Rule 100 to find out which terms are used and how each term is defined, and Maricopa County began comparing Rule 100 with ADEQ's rules to find out which terms ADEQ uses and how ADEQ defines the terms that they use. So far, Maricopa County has discovered that ADEQ uses the term "air pollutant" more expansively, while Maricopa County uses the term "regulated air pollutant." ADEQ uses the term "air pollution" when distinguishing between minor sources and stationary sources; ADEQ does not use the term "air pollution" when referring to major sources. ADEQ defines the term "conventional air pollutant" in the definition of the term "regulated air pollutant;" Maricopa County defines each term separately. In addition, Maricopa County has identified that the use of the term "air pollutant" in the following Rule 100 definitions matches ADEQ's rules: 1) definition of attainment area; 2) definition of equivalent method; 3) definition of excess emissions; 4) definition of major source; 5) definition of portable source; and 6) definition of reference method. For this rulemaking package, Maricopa County has changed terms used in the following definitions to match ADEQ's rules: 1) changed "air contaminants" to

"air pollutants" in the definition of air pollution control equipment; 2) changed "air contaminants" to "regulated air pollutants" in the definition of stationary source; and 3) changed "air contaminants" to "regulated air pollutants" in Section 302 (Applicability Of Multiple Rules). Maricopa County is still researching terms used in Rule 100 and will continue to correct discrepancies, as they are discovered.

- Chemical Abstract Service (CAS) Numbers: Attendees of Public Workshops suggested that Maricopa County add CAS numbers to the compounds listed under the definition of non-precursor organic compound in Rule 100. With assistance from a Public Workshop attendee/an industry representative, Maricopa County has added CAS numbers to most of the compounds but not to all of the compounds. When Maricopa County is successful at retrieving CAS numbers from the Toxic Substances Control Act (TSCA) database, Maricopa County will add the missing CAS numbers to the definition of non-precursor organic compound in Rule 100.
- Definition Of Insignificant Activity And Definition Of Trivial Activity: Attendees of Public Workshops suggested that Maricopa County include in the definition of insignificant activity and, in the definition of trivial activity, reference to regulated air pollutants. Also, attendees of Public Workshops suggested that both definitions give a brief list of examples and point the reader to either Appendix D (List Of Insignificant Activities) or to Appendix E (List Of Trivial Activities) for a more detailed list. Maricopa County changed the definition of insignificant activity and the definition of trivial activity, as suggested. In addition, attendees of Public Workshops suggested that the last sentence of the definition of trivial activity, "Any other activity, that is not included in Appendix E (List Of Trivial Activities), that is not conducted as part of a manufacturing process, that is not related to the source's primary business activity, and that does not otherwise trigger a permit revision, may be considered a trivial activity, if approved by the Control Officer and the Administrator of the Environmental Protection Agency (EPA)", be changed because approval by EPA should only be necessary for Title V sources. Maricopa County did not change the last sentence of the definition of trivial activity for 2 reasons: 1) EPA frowns upon Control Officer discretion; and 2) the definition of insignificant activity and the definition of trivial activity should include an explanation of how items are added to and subtracted from the lists. Also, Maricopa County included a statement in the introduction to Appendix D (List Of Insignificant Activities) and in the introduction to Appendix E (List Of Trivial Activities) - similar to the last sentence in the definition of trivial activity.
- Definition Of Major Source Threshold: Attendees of Public Workshops suggested the text, "lowest applicable emissions rate", as used in the definition of major source threshold in Rule 100, is un-clear and should be changed to the text, "amount per year" or "emissions per year". In the final draft of Rule 100, Maricopa County did not change the definition of major source threshold, as suggested. The definition of major source threshold, as written in the final draft of Rule 100, matches ADEQ's rule R18-2-301(8) (Definition Of Major Source Threshold). The following is ADEQ's explanation for defining major source threshold as "the lowest applicable emissions rate for a pollutant that would cause the source to be a major source at the particular time and location": In Prevention Of Significant Deterioration/New Source Review (PSD/NSR) (Title I), the major source threshold can sometimes be either 100 tons or 250 tons, depending on the type of source. With this definition, ADEQ intends to clarify that "major source threshold", as used for establishing an emissions cap and as used, by a Non-Title V source, to make a physical change or to change the method of operation without revising the source's permit, would never be 250 tons per year. This definition will prevent absurd situations, such as a source not having to submit a notice for an actual emissions increase of PM_{10} of 24 tons per year, when a 16 ton increase in potential to emit PM_{10} requires a non-minor permit revision.
- Definition Of Significant: Attendees of Public Workshops suggested that the text, "any emissions rate", as used at the end of Rule 100, Subsection 200.97(c) (Definition Of Significant), be changed to the text, "above de minimis amounts". Maricopa County did not change the definition of significant as suggested. The definition of significant, as written in the final draft of Rule 100, matches ADEQ's rule R18-2-101(104) (Definition Of Significant).
- Emissions Caps: Attendees of Public Workshops asked for an explanation of the differences between and the advantages of emissions caps and emissions limits. Maricopa County explained, during the Public Workshops, that emissions caps allow a source to make certain changes under an emissions cap; Emissions caps will most likely be used by certain businesses/industries that make frequent source changes. Emissions limits, on the other hand,

do not relate to making source changes under the emissions limit, per se. If a source has an emissions cap or an emissions limit, a source can still reap the benefits of the changes allowed under Rule 220 (Non-Title V Permit Provisions). The following is ADEQ's explanation for revising its rules – the Facility Change Rulemaking Package - to allow for changes at Non-Title V sources and at Title V sources: An air quality permit issued to a source contains construction and operational conditions. Air quality permits commonly contain emissions limitations and standards that the source must comply with, in order to protect the environment and public health. Often, however, a source needs to change its permit to react to changing economic conditions or to implement new business priorities. ADEQ's Facility Change Rulemaking Package includes rules that describe many facility changes and rules that categorize some changes into groups with lower procedural and administrative requirements. ADEQ's Facility Change Rulemaking Package also includes rules that create an additional group – changes that do not require prior notice but that must be logged in records at the source. Also, ADEQ's Facility Change Rulemaking Package includes rules that allow emissions caps to be created; Permits may be written to exempt sources with an emissions cap from certain notice requirements or logging requirements, to allow the source more operating flexibility. In addition, ADEQ, in its Notice Of Final Rulemaking for the Facility Change Rules effective September 22, 1999, states that ADEQ agrees with the Environmental Protection Agency's (EPA's) understanding about the emissions caps rule regarding the following 3 points, as they apply to Title V sources. This understanding is true for Maricopa County's new Rule 201 (Emissions Caps) as well.

1. The emissions cap would be used to limit a source's potential to emit to avoid triggering an applicable requirement.
2. The emissions cap would not allow a source to establish a plantwide applicability limit (PAL).
3. The emissions cap would not relieve a source of its obligation to comply with New Source Review (NSR); That is, if a change under an emissions cap would result in an emissions increase that otherwise triggers NSR, the source must go through the NSR review process.

- Source Changes That Require Non-Title V Permit Revisions And Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision: Attendees of Public Workshop question the appropriateness of some of the provision in Rule 220, Section 403 (Source Changes That Require Non-Title V Permit Revisions) and in Rule 220, Section 404 (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision). Rule 220, Section 403 and Rule 220, Section 404 match ADEQ's rule R18-2-317.01 (Facility Changes That Require A Permit Revision-Class II) and ADEQ's rule R18-2-317.02 (Procedures For Certain Changes That Do Not Require A Permit Revision-Class II). The following is ADEQ's explanation for revising its rules – the Facility Change Rulemaking Package - to allow for changes at Non-Title V sources and at Title V sources: The Facility Change Rulemaking Package includes rules that classify all changes at facilities with Class II permits (Non-Title V Permits) as either: 1) a change that requires some specific facility action or 2) a change that has no regulatory consequence. There are 4 main groups of changes that require some sort of specific facility action: 1) 7 kinds of facility changes are described that require significant permit revisions (for Title V sources) or non-minor permit revisions (for Non-Title V sources). These changes have the highest potential for environmental significance, provide an opportunity for a Public Hearing, and require a high-level of permit review, 2) 6 kinds of facility changes are described that require minor permit revisions. These change have some environmental significance, do not create the need for a Public Hearing, and require substantially less permit review; 3) 6 kinds of facility changes are described that require prior notice to ADEQ/to the Control Officer; and 4) 5 kinds of facility changes are described that require logging. If a facility change does not fall into 1 of these 4 main groups, then there are no regulatory consequences.

All Sections In Rule 100 And Rule 220 Of The Current/Most Recent Edition Of Such Rules That Are Being Revised In This Rulemaking Package: (Since Rule 201, Appendix D, and Appendix E are "new", they are not included in this section.)

● The following sections in Rule 100 are being revised in order to match ADEQ's rules (effective September 22, 1999) regarding the air quality permit system for facility changes. Per ADEQ, in the Notices Of Final Rulemaking document dated October 29, 1999, EPA published a final rule changing its definition of major modification for certain electric utility projects (57 FR 32314). The rule is called the WEPCO rule, because it was EPA's response, in part, to being sued in

Wisconsin Electric Power Co. v. Reilly, 893 F.2d 901 (7th Cir. 1990). ADEQ incorporated the entire WEPCO rule by adding 8 new definitions and by modifying the definitions of actual emissions and major modification.

- Section 200.3 (Definition Of Actual Emissions)
- Section 200.30 (Definition Of Clean Coal Technology)
- Section 200.31 (Definition Of Clean Coal Technology Demonstration Project)
- Section 200.42 (Definition Of Electric Utility Steam Generating Unit)
- Subsection 200.59(c)(8) – Subsection 200.59(c)(11) (Definition Of Major Modification)
- Section 200.61 (Definition Of Major Source Threshold)
- Section 200.81 (Definition Of Pollution Control Project)
- Section 200.87 (Definition Of Reactivation Of A Very Clean Coal-Fired Electric Utility Steam Generating Unit)
- Section 200.93 (Definition Of Repowering)
- Section 200.94 (Definition Of Representative Actual Annual Emissions)
- Section 200.105 (Definition Of Temporary Clean Coal Technology Demonstration Project)

● The following sections in Rule 100 are being revised in order to comply with EPA's written comments dated July 10, 1998, regarding the New Source Review/Prevention Of Significant Deterioration (NSR/PSD) Permit Rules:

- Section 200.12 (Definition Of Allowable Emissions)
- Section 200.24 (Definition Of Best Available Control Technology (BACT))
- Section 200.51 (Definition Of Federal Land Manager)
- Section 200.56 (Definition Of Indian Governing Body)
- Section 200.57 (Definition Of Indian Reservation)
- Subsection 200.59(c)(1) (Definition Of Major Modification)
- Section 200.75 (Definition Of Particulate Matter)

● The following sections in Rule 100 are being revised per comments made during and after the Public Workshops held for this rulemaking package. Many of the following revisions are not related to EPA approvability issues, but rather are intended to make Rule 100 more easily understood by the reader.

- Section 101 (Declaration Of Intent)
- Section 102 (Legal Authority)
- Section 104 (Circumvention)
- Section 105 (Right Of Inspection Of Premises)
- Section 106 (Right Of Inspection Of Records)
- Section 200 Introduction (Definitions)
- Section 200.7 (Definition Of Affected Source)
- Section 200.15 (Definition Of Applicable Implementation Plan)
- Section 200.16 (Definition Of Applicable Requirement)
- Section 200.18 (Definition Of Area Source)
- Section 200.35 (Definition Of Control Officer)
- Section 200.40 (Definition Of Earthmoving Operation)
- Section 200.46 (Definition Of Equivalent Method)
- Section 200.48 (Definition Of Existing Source)
- Section 200.49 (Definition Of Facility)
- Section 200.50 (Definition Of Federal Applicable Requirement)
- Section 200.52 (Definition Of Federally Enforceable)
- Section 200.54 (Definition Of Fuel Oil)
- Section 200.58 (Definition Of Insignificant Activity)
- Section 200.60 (Definition Of Major Source)
- Section 200.66 (Definition Of Net Emissions Increase)
- Section 200.68 (Definition Of Nonattainment Area)
- Section 200.74 (Definition Of Owner And/Or Operator)
- Section 200.76 (Definition Of Permitting Authority)

- Section 200.79 (Definition Of PM_{10})
- Section 200.80 (Definition Of Pollutant)
- Section 200.82 (Definition Of Portable Source)
- Section 200.84 (Definition Of Proposed Permit)
- Section 200.85 (Definition Of Proposed Final Permit)
- Section 200.86 (Definition Of Quantifiable)
- Section 200.88 (Definition Of Reasonably Available Control Technology (RACT))
- Section 200.89 (Definition Of Reference Method)
- Section 200.90 (Definition Of Regulated Air Pollutant)
- Section 200.95 (Definition Of Responsible Official)
- Section 200.97 (Definition Of Significant)
- Section 200.98 (Definition Of Solvent-Borne Coating Material)
- Section 200.99 (Definition Of Source)
- Section 200.101 (Definition Of Standard Conditions)
- Section 200.102 (Definition Of State Implementation Plan)
- Section 200.103 (Definition Of Stationary Source)
- Section 200.108 (Definition Of Trivial Activity)
- Section 200.109 (Definition Of Unclassified Area)
- Section 202 (Definition Of Acid)
- Section 213 (Definition Of Alkaline Solution)
- Section 301 (Air Pollution Prohibited)
- Section 302 (Applicability Of Multiple Rules)
- Section 401 (Certification Of Truth, Accuracy, And Completeness)
- Section 402 (Confidentiality Of Information)
- Section 403 (Effective Date Of This Rule)
- Section 501 (Reporting Requirements)
- Section 502 (Data Reporting)
- Section 503 (Records Required)
- Section 503 (Emission Statements Required As Stated In The Act)
- Section 504 (Retention Of Records)
- Section 505 (Annual Emissions Inventory Report)

● The following sections in Rule 220 are being revised in order to match ADEQ's rules (effective September 22, 1999) regarding the air quality permit system for facility changes. Many of the following revisions are not related to EPA approvability issues, but rather are intended to make Rule 220 more easily understood by the reader.

- Section 200 (Definitions)
- Section 301 (Permit Application Processing Procedures)
- Section 302 (Permit Contents)
- Section 403 (Source Changes That Require Non-Title V Permit Revisions)
- Section 404 (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision)
- Section 405 (Permit Revisions)
- Section 406 (Permit Revisions Procedures)
- Section 407 (Public Participation)
- Section 501 (Log Retention Requirement)
- Section 502 (Log Format Specifications)
- Section 503 (Log Filing)

11. <u>A summary of the principal comments and the agency's response to them:</u>

During this rulemaking process, Maricopa County received written comments regarding the proposed revisions to Rule 100 and to Rule 220 and regarding New Rule 201 and New Appendix

E. Maricopa County did not receive written comments regarding New Appendix D. Maricopa County has addressed the written comments in the following summary:

Comment: Rule 100, Definition Of Actual Emissions: Maricopa County should adjust the definition of actual emissions to be more consistent with the Environmental Protection Agency's (EPA's) proposed language for determining future actual emissions in its proposed New Source Review reform rule (61 FR 38,250 (July 23, 1996)).
Response: The definition of actual emissions in Rule 100 matches Arizona Department Of Environmental Quality's (ADEQ's) rule R18-2-101(2) (Definition Of Actual Emissions). ADEQ has made the following response, and it also applies to Maricopa County: The definition of actual emissions as proposed should more clearly reflect the future emissions being emitted from an emissions unit. The former definition of actual emissions applied to Title V sources and to Non-Title V sources and required actual emissions for a new emissions unit to be its maximum potential to emit. Although Federal requirements mandate that the definition of actual emissions be retained for Title V sources, ADEQ has modified the definition of actual emissions, as it applies to Non-Title V sources, to define actual emissions for these sources in terms of projected actual operational conditions. ADEQ believes that the new definition of actual emissions regarding Non-Title V sources will result in a simpler and more accurate calculation of actual emissions for new emission units.

Comment: Rule 100, Definition Of Allowable Emissions: It may be possible that a source may not be restricted by operating rate or hours of operation but still be restricted by emission limits specified in the source's permit conditions. The definition of allowable emissions currently requires that operating limits and federally enforceable permit conditions be used in determining allowable emissions. However, sources should be able to use a method of operation or a federally enforceable permit condition to determine allowable emissions.
Response: In order to address the Environmental Protection Agency's (EPA's) written comments dated July 10, 1998, regarding the New Source Review/Prevention Of Significant Deterioration (NSR/PSD) Permit Rules, Maricopa County changed the introduction of the definition of allowable emissions to read: Allowable Emissions – The rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation, or both) and the most stringent of the following… Aside from this change, the definition of allowable emissions in Rule 100 matches ADEQ's rule R18-2-101(11) (Definition Of Allowable Emissions). Maricopa County did not change the requirement that operating limits and federally enforceable permit conditions be used in determining allowable emissions.

Comment: Rule 100, Definition Of Modification: An explanation of what constitutes "any relevant de minimis amount" should be included in the definition of modification or elsewhere in Rule 100. The term, "net", should precede the term, "actual".
Response: For the purpose of Rule 100, Definition Of Modification, the term, de minimis, refers to Rule 200 (Permit Requirements), Subsection 303.3(c) (Non-Title V Permit). Rule 200, Subsection 303.3(c) lists activities and associated levels of emissions, which are tied to specific regulatory provisions. Since levels of emissions vary depending upon the pollutant and the regulatory context, de minimis has many meanings. Maricopa County did not add the term, "net" before the term, "actual", in the definition of modification. The definition of modification, as written in this final draft of Rule 100, matches Arizona Revised Statutes (ARS) Z49-401.01(19).

Comment: Rule 100, Section 401 (Certification Of Truth, Accuracy, And Completeness): Rule 100, Section 401 requires all reports, including "emergency" and excess emission reports, to be signed by a responsible corporate official. Because the responsible corporate official is a senior officer, he often must travel and may not always be available to sign an emergency report or excess emissions report. Rule 100, Section 401 should be modified to allow signing of these notification reports by a knowledgeable person at the respective facility.
Response: Rule 100, Section 401 requires that, at the time of submittal, a responsible official certify as to the truth, accuracy, and completeness of an application form or report. For the purposes of Maricopa County's Air Pollution Control Rules And Regulations, a responsible official for a corporation includes any person who performs policy and decision-making functions for the

corporation similar to those functions performed by the corporation president, secretary, treasurer, or vice-president and includes a duly authorized representative. With this broad definition of responsible official, there should always be someone available to sign an emergency report or an excess emissions report.

Comment: Rule 201 (Emissions Caps): Are emission limits, that are included in permits, equivalent to an emissions cap? What basis is there for the difference between an emissions cap and an emissions limit? Does an emissions cap apply only to regulated equipment and processes? A standard for an emissions cap or emissions limit, that would consider the use of current permit limits, would simplify the implementation of Rule 201. The emissions cap or emissions limit should only apply to regulated equipment and processes. Is there any need or value to adopting Rule 201? Maricopa County already has the authority to establish emissions caps, under its existing rules.
Response: Rule 201 is intended to establish federally enforceable emissions limits. A source, that is a true Non-Title V source can choose to have an emissions cap, which will allow the source to make more changes more easily and to make some changes without having to make complicated, time-consuming permit revisions. An emissions cap applies to a source's emissions, applies plantwide, allows verification of netting calculations, allows a source to trade emissions, and could be an emissions limitation. Under Maricopa County's existing permitting system, an emissions limitation applies to a material limit, applies to a concentration-out-of-stack limit, is an actual "number", applies to emissions resulting from a work practice, and is not an emissions cap.

Comment: Rule 201, Section 101 (Purpose): Why is the purpose of Rule 201 limited to source "changes"? What "changes"? "Changes" should be defined. Rule 201, Section 101 goes far beyond what is necessary to satisfy the Environmental Protection Agency's (EPA's) concerns and would eliminate one of the primary benefits that minor sources would derive from an emissions cap rule, by making such sources subject to major new source review. Accordingly, Section 101 should read: Unless otherwise noted, this rule applies to each source with a Title V permit or with a Non-Title V permit. A major source may not use an emissions cap to avoid requirements of new source review, pursuant to Rule 240 of these rules.
Response: Maricopa County, along with the Arizona Department Of Environmental Quality (ADEQ), Pima County, Pinal County, and Stakeholders (i.e., the regulated community most affected by these rules) met with and held conference calls with EPA throughout the summer and fall 1997, to discuss Rule 201. The text of Rule 201, Section 101 was agreed upon by all representatives participating in these discussions. Rule 201, Section 101 reads: Purpose: To increase operating flexibility for Title V sources and for Non-Title V sources.

Comment: Rule 201, Section 301 (Standards-Emissions Caps): Maricopa County should change the term, "rolling average", to the term, "total". Also, Maricopa County should re-write Section 301 to read: An applicant, in its application for a new permit, renewal of an existing permit, a non-minor permit revision (for a Non-Title V source), or a significant permit revision (for a Title V source), may request an emissions cap for a particular pollutant, expressed in tons per year as determined on a 12-month rolling average for any applicable emissions unit for an entire source to allow operating flexibility.
Response: Maricopa County, along with the Arizona Department Of Environmental Quality (ADEQ), Pima County, Pinal County, and Stakeholders (i.e., the regulated community most affected by these rules) met with and held conference calls with EPA throughout the summer and fall 1997, to discuss Rule 201. The text of Rule 201, Section 301 was agreed upon by all representatives participating in these discussions. Rule 201, Section 301 reads: Standards-Emissions Caps: An applicant, in its application for a new permit, a renewal of an existing permit, a non-minor permit revision (for a Non-Title V source), or a significant permit revision (for a Title V source), may request an emissions cap for a particular pollutant, expressed in tons per year as determined on a 12-month rolling average or any shorter averaging time necessary to enforce any applicable requirement, for any emissions unit, combination of emissions units, or an entire source to allow operating flexibility including emissions trading for the purpose of complying with the emissions cap. This rule shall not apply to sources that hold an authority to operate under a General Permit, under Rule 230 of these rules. Rule 201, Section 301 matches ADEQ's rule

R18-2-306.02(A) (Establishment Of An Emissions Cap), which became effective September 22, 1999.

Comment: Rule 201, Subsection 302.1 (Establishment Of An Emissions Cap): Subsection 302.1 indicates that the applicant must "demonstrate" that terms and conditions in the permit will meet certain conditions/criteria. How does the applicant demonstrate items in a permit, before a permit has been issued? Also, Rule 201, Subsection 302.1(b)(4) is inconsistent with Rule 220, Subsection 304.1(d) (Permits Containing Voluntarily Accepted Emissions Limitations, Controls, Or Other Requirements (Synthetic Minor)).
Response: An applicant for a permit must propose in its permit application how records will be kept and how monitoring will be performed. If these methodologies are viable, the Control Officer will incorporate them into the source's permit and the source, then, must follow these methodologies. Maricopa County re-wrote Rule 201, Subsection 302.1(b)(4) and Rule 220, 304.1(d), so that neither subsection contradicts the other. The subsections read: Rule 201, Subsection 302.1(b)(4): In order to incorporate an emissions cap in a permit, the applicant must demonstrate to the Control Officer that terms and conditions in the permit will: b. Contain replicable procedures to ensure that the emissions cap is enforceable as a practical matter and emissions trading conducted under the emissions cap is quantifiable and enforceable as a practical matter. For the purposes of this rule, "enforceable as a practical matter" shall include the following criteria: (4) The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement. Rule 220, Subsection 304.1(d): A source may voluntarily propose in its application and accept in its permit, emissions limitations, controls, or other requirements that are permanent, quantifiable, and otherwise enforceable as a practical matter, in order to avoid classification as a source that requires a Title V permit, or to avoid one or more other Federal applicable requirements. For the purposes of this rule, "enforceable as a practical matter" means that specific means to assess compliance with an emissions limitation, control, or other requirement are provided for in the permit in a manner that allows compliance with the limit standard or trade provision to be readily determined by an inspection of the source records or reports. In addition, for the purposes of this rule, "enforceable as a practical matter" shall include the following criteria: (d) The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement.

Comment: Rule 201, Section 303 (Limits Of A Sourcewide Emissions Cap): As the emissions cap is allowed to be established, an emissions cap would allow a very small source to have an un-realistic emissions cap. Among the 4 ways to set-up an emissions cap (Rule 201, Subsection 303.1 thru Subsection 303.4), the lowest value would be the applicable requirement for the pollutant, if expressed in tons per year. The lowest value, then, would be the best available control technology (BACT) threshold of 25 tons per year. Maricopa County could conceivably give a very small source an emissions cap of 24.9 tons per year. Maricopa County should make Rule 201, Section 303 apply only to synthetic minor sources and not to small sources. Or another option would be for Maricopa County to delete Section 303. In light of the changes that have been made to Section 302, it is unclear what purpose Section 303 serves. As noted in Section 301, an emissions cap can be designed for any emissions unit, for any combination of emissions units, or for an entire source. Section 303 only limits emissions, if a sourcewide emissions cap is sought. There is no reason to create special limits for sourcewide caps that do not apply to any other type of cap. Moreover, the limitations in Section 303 only apply to Non-Title V sources - not to Title V sources. Accordingly, Section 303 can be deleted without sacrificing either limitations on the level of emissions caps or interfering with the intention of the rules, to establish conditions for the use of emissions caps. The balance of Rule 201 provides adequate guidance on the creation of emissions caps. In addition, Rule 201, Section 303 is a potential source of interpretational difficulty that should be clarified. The ambiguity arises because most regulated pollutants do not have a "significance level". For such pollutants, Maricopa County should practice the following interpretation: The criterion in Subsection 303.2 (The source's actual emissions plus the applicable significance level for the pollutant established in Rule 100 of these rules) does not apply and an emissions cap is set based on the remaining 3 criterion in Section 303.
Response: Rule 201, Section 303 matches ADEQ's rule R18-2-306.02(B) (Establishment Of An Emissions Cap), which became effective September 22, 1999. The following finding has been

made by the Arizona Department of Environmental Quality (ADEQ) on this rulemaking package, and it also applies to Maricopa County: ADEQ has decided to keep [Rule 201, Section 303]. The main purpose of [Rule 201] is to increase operating flexibility without sacrificing protection of the environment. ADEQ will set caps to provide flexibility without sacrificing environmental protection whether or not this upper limit on emissions caps is in a rule. However, the best way to provide assurance that this procedure will happen is to set the initial cushion for growth at "significant". This is not an unduly burdensome restriction; there are still ways for the source to expand if that cushion is used up. One is to find other ways to reduce emissions. In this way, [Rule 201] is "an incentive for source owners and operators to create room for growth under the emissions cap, by implementing pollution prevention and other pollution reduction strategies on existing emissions units;" (EPA, 61 FR 38264). Having an upper limit on the emissions cap encourages the source to be proactive in this regard. Another way is for the sources to come-back to [Maricopa County] to revise its emissions cap and its permit with a [non-minor] permit revision. ADEQ recognizes that there may be incentive for some sources to maximize emissions, before seeking an emissions cap. However, this is not due only to the actual plus significant limit on emissions caps, but also because emissions caps are set in a public process, and the public is less likely to object to emissions caps that are set closer to actual emissions. ADEQ has significant discretion on where to set an emissions cap, and actual emissions for existing units is to be determined based-on the 2-year period that precedes the action, and which is representative of normal source operation. ADEQ expects that emission variations at sources are more likely to be based on business decisions. In addition, regarding the interpretation of Subsection 303.2, Maricopa County agrees with the comment: Subsection 303.2 does not apply to regulated pollutants that do not have a "significance level", but the emissions cap can be set based on the remaining 3 criterion in Section 303.

Comment: Rule 220, Subsection 301.1 (Permit Application Processing Procedures-Standard Application Form And Required Information): Maricopa County should change the term, "air contaminants" to the term, "regulated air pollutants", in Subsection 301.1(b). In addition, Maricopa County should add Subsection 301.1(e), and it should read: The Control Officer, either upon the Control Officer's own initiative or upon the request of a permit applicant, may waive a requirement that specific information or data, for a particular source or source category of sources, be submitted in the Non-Title V permit application. However, the Control Officer must determine that the information or data would be necessary to determine all of the following…e. Health risk to the public.
Response: Maricopa County did not change the term, "air contaminants", to the term, "regulated air pollutants". Rule 220, Subsection 301.1(b) matches ADEQ's rule R18-2-304(B)(2), regarding the use of the term, "air contaminants". Maricopa County did not add Rule 220, Subsection 301.1(e). Maricopa County Air Pollution Control Regulations Rule 100, Section 101 (Declaration Of Intent) requires that Maricopa County protect the health-risk to the public by carrying-out the mandates of Arizona Revised Statutes (ARS), Title 49 (The Environment).

Comment: Rule 220, Subsection 301.2 (Permit Application Processing Procedures-Permit Application And A Compliance Plan): A notice of violation (NOV) is just that; It is a notice that Maricopa County believes that there may be a violation. There has been no determination that a violation exists and, therefore, no basis for requiring a compliance plan. Maricopa County should delete Subsection 301.2 in its entirety.
Response: Maricopa County did not delete Subsection 301.2. As discussed during the Public Workshop held on October 29, 1998, the original text of Subsection 302.2 (Permit Contents) stated that a permit application…shall include a compliance plan… Subsection 302.2, though, regarded the contents of a permit not the contents of a permit application. Consequently, Maricopa County moved the original text of Subsection 302.2 (Permit Contents) to new Subsection 301.2 (Permit Application Processing Procedures).

Comment: Rule 220, Subsection 301.4(h) (Permit Application Processing Procedures): Subsection 301.3(h) will exempt the quantification of emissions from all equipment. Rule 200 covers exempt equipment that requires permitting as well as that which is exempt. The second/last sentence in Subsection 301.4(h) should read: If the Control Officer determines that a source or an activity listed on the application does not meet the requirement of Rule 200 of these

rules, the Control Officer shall notify the applicant in writing and specify additional information required, which may include emissions data and supporting documents.
Response: Maricopa County added the text, "and supporting documents", to Subsection 301.4(h) in the final draft of Rule 220 – March 31, 2000.

Comment: Rule 220, Section 302 (Permit Contents): It would be useful for Maricopa County to review the permit contents standard and correlate possible permit changes with the actual permit contents. Certain minor and non-minor permit revisions may be simply reported in changes in the emissions inventory report.
Response: A permit is based on a permit application, which describes the whole source/facility and includes process information, operation rates, and material specifications. A permit sometimes references a permit application in order to incorporate into the permit the information contained in the permit application.

Comment: Rule 220, Subsection 302.2 (Permit Contents): Maricopa County should require just the most restrictive requirements be included. Also, Maricopa County should change Subsection 302.2 to be consistent with Rule 100 (General Provisions And Definitions), Section 302 (Applicability Of Multiple Rules), which limits the applicable requirements to the rule or combination of rules resulting in the lowest rate or lowest concentration of air contaminants released to the atmosphere. However, the term, air contaminant, is inappropriate with regard to permit requirements. Under Maricopa County's Rule 200 (Permit Requirements), Maricopa County is only authorized to permit sources that emit regulated air pollutants. Accordingly, the last sentence of Subsection 302.2 should be revised to state that the lowest concentration of regulated air pollutants released to the atmosphere shall apply.
Response: Rule 220, Subsection 302.2 is being revised to read, in part: …Whenever more than one standard in this rule applies to any source or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III (Control Of Air Contaminants) applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated. This proposed text of Rule 220, Subsection 302.2 matches the proposed text of Rule 100 (General Provisions And Definitions), Section 302 (Applicability Of Multiple Rules).

Comment: Rule 220, Subsection 302.5 (Permit Contents): Monitoring needs to be defined, since the concept of non-instrumental monitoring is used. Non-instrumental monitoring should not be confused with rigorous recordkeeping that, by permit or compliance, is allowed to substitute for monitoring (i.e., with instruments, with repeated human observation, and/or with records of observation outcomes, like plume density or visual flow rate). EPA used the term, compliance verification. Compliance Assurance Monitoring (CAM)/Periodic Monitoring requirements are intended for Title V sources. It is an un-necessary burden to require CAM/Periodic Monitoring requirements for most Non-Title V sources.
Response: Rule 220, Subsection 302.5 matches ADEQ's rule R18-2-306(A)(3)(b) effective September 22, 1999.

Comment: Rule 220, Subsection 302.7 (Permit Contents): Subsection 302.7 requires that a permit include all applicable recordkeeping requirements and retention records requirements of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. However, Rule 100 (General Provisions And Definitions), Section 504 (Retention Of Records) states that information and records, required by the Control Officer, and copies of summarizing reports, recorded by the owner or operator and submitted to the Control Officer, shall be retained by the owner or operator for 5 years after the date on which the pertinent report is submitted.
Response: Rule 220, Subsection 302.7 matches ADEQ's rule R18-2-306(A)(4)(b) effective September 22, 1999. Maricopa County added, to the beginning of the first sentence in the final draft of Rule 100, Section 504 – March 31, 2000, the text, "unless otherwise required by these rules".

Comment: Rule 220, Subsection 302.8 (Permit Contents): The language appears to create its own "deviation" reporting requirement. Where did these requirements come from? What constitutes a deviation? How is the requirement for excess emissions reporting - not connected to an emergency in the current rules - going to be reconciled with the proposed Rule 220? Until Maricopa County has thought-out Subsection 302.8, Maricopa County should delete Subsection 302.8. In addition, the requirement in Rule 220, Subsection 302.8 is a Title V requirement and should not be in Rule 220, which applies to Non-Title V sources. Maricopa County should include a permit condition that requires specifically-defined deviations from the permit to be reported, in accordance with procedures specifically prescribed in each permit.
Response: Rule 220, Subsection 302.8 matches ADEQ's rule R18-2-306(A)(5)(a) effective September 22, 1999. Maricopa County will consider including, in permit conditions, specifically defined deviations from the permit to be reported, in accordance with procedures specifically prescribed in each permit.

Comment: Rule 220, Subsection 302.23 (Permit Contents-Federally Enforceable Requirements): The text in Subsection 302.23 goes well beyond EPA's concept of federal enforceability and creates un-necessary problems. Maricopa County should delete Subsection 302.23, in its entirety.
Response: Maricopa County did not delete Subsection 302.23, in its entirety, as suggested. Deleting Subsection 302.23, in its entirety, is a substantially different revision from what was described in the Notice Of Proposed Rulemaking and from what was discussed during the rulemaking process conducted from June 1999 thru March 2000. As discussed during the rulemaking process, Maricopa County is changing "operating" to "Non-Title V", is changing "pursuant to" to "under", is adding "of EPA", is adding "State Implementation Plan", is changing "305" to "304", and is changing "and/or" to "and". Maricopa County is willing to consider the suggested change to Subsection 302.23 in a subsequent rulemaking.
Rule 220, Subsection 302.23 was adopted by the Maricopa County Board Of Supervisors on February 15, 1995 and had been re-written since 1994, from the following "circumstances":

- EPA's verbal comments made April 25, 1994 on the approvability of Title V Permit Program.
- Federal enforceable requirements text proposed in Rule 210 (Title V Permit Provisions) on May 5, 1994.
- Arizona Department Of Environmental Quality's (ADEQ's) 1994 strawman synthetic minor rule.
- EPA's written comments dated November 4, 1994 on ADEQ's strawman synthetic minor rule.

Comment: Rule 220, Section 303 (Compliance Plans): The introductory statement to Rule 220, Section 303, each compliance plan shall contain the following elements with respect to compliance, is confusing, because Subsection 303.2 requires a compliance plan only for non-compliant situations.
Response: Maricopa County deleted, from the introductory statement in Section 303, the text, with respect to compliance. With this deletion, Rule 220, Section 303 matches ADEQ's rule R18-2-309(5) effective September 22, 1999.

Comment: Rule 220, Section 403 (Source Changes That Require Non-Title V Permit Revisions: It appears that the items listed in Section 403 should either be a minor permit revision or a non-minor permit revision. The description of these changes in the respective subsections, Subsection 405.2 and Subsection 405.3, do not correlate with Section 403. Thus, the standards do not appear consistent. To reduce any repetition and inconsistency, is it feasible that the intent of these latter two sections could be a subset of Section 403?
Response: Rule 220, Section 403 describes the changes a source can make as long as the source gets a permit revision. Rule 220, Subsection 405.2 and Subsection 405.3 describe which of those changes described in Section 403 require a minor permit revision and which require a non-minor permit revision. The format of Rule 220, Section 403, Subsections 405.2, and Subsection 405.3 will remain as is; Consistent with the format of ADEQ's rules R18-2-317.01 (Facility Changes That Require A Permit Revision - Class II), R18-2-319 (Minor Permit Revisions), and R18-2-320 (Significant Permit Revisions).

Comment: Rule 220, Subsection 403.1 (Source Changes That Require Non-Title V Permit Revisions): Maricopa County's rule allows minor sources to make "any physical change or change in the method of operation without revising the source permit unless the change is specifically prohibited in the permit or is a change as described in [the subsection that lists changes that require a permit revision]". The Environmental Protection Agency (EPA) is concerned that the default in this rule is that no permit revision is required, rather than the other way around, which has been the usual approach. The rule is set-up so that permit revisions are required for all but the listed exceptions. If there has been an oversight in listing out the circumstances under which a permit revision is required, the rule errs on the side of not requiring a change to the permit. Further the proposed approach is at odds with the provisions of Maricopa County Rule 200 (Permit Requirements), Section 303 (Standards-Non-Title V Permit). In addition, EPA is concerned that this provision could be read to mean that, unless a permit addresses the specific action the source wishes to undertake, the permit does not prevent the source from going forward. This language could be interpreted to require the permitting authority to anticipate and specifically address each scenario under which it would require a permit revision. Such a shift will likely have an unintended effect of encouraging permitting authorities to write very specific, restrictive permits. The word "specifically", therefore, should be removed.
Response: To ensure that source changes are indeed accounted for, the following are included in either Rule 220 or in Maricopa County Environmental Services' Permitting Program and/or Enforcement Program:

- When a permit is written such that a source is prohibited from making a specific/specified change, such source cannot automatically make such specific/specified change. Such source must apply for a permit revision, before such source can make such specific/specified change.
- If Rule 220 or any other Maricopa County rule requires a specific/specified change to be made by a permit revision, a source must apply for a permit revision, before such source can make such specific/specified change.
- If a source wants to make a specific/specified change that is not listed in Rule 220, Section 403, then such source is allowed to make such specific/specified change without applying for a permit revision.

Comment: Rule 220, Subsection 403.2(f) (Source Changes That Require Non-Title V Permit Revisions): Is a permit revision necessary when a Non-Title V source is making a change that requires the Non-Title V source to obtain a Title V permit?
Response: Rule 220, Subsection 403.2(f) matches ADEQ's rule R18-2-317.01(A)(6) effective September 22, 1999; A change at a source, with a Non-Title V Permit that requires a source to obtain a Title V Permit, shall require a permit revision. Rule 220, Subsection 405.3(g) (Non-Minor Permit Revisions) requires that a source make a non-minor permit revision, in order to make a change that requires a source to obtain a Title V Permit under Maricopa County Air Pollution Control Regulations Rule 210. Rule 220, Subsection 405.3(g) matches ADEQ's rule R18-2-320(B)(7) effective September 22, 1999.

Comment: Rule 220, Subsection 403.2(g) (Source Changes That Require Non-Title V Permit Revisions): Subsection 403.2(g) should read: Replacement of an item of air pollution control equipment listed in the permit with 1 that does not have the same or better pollution removal efficiency providing that an acceptable performance test is available to verify the efficiency.
Response: Rule 220, Subsection 403.2(g) matches ADEQ's rule R18-2-317.01(A)(7) effective September 22, 1999.

Comment: Rule 220, Subsection 403.2(j)(1) (Source Changes That Require Non-Title V Permit Revisions): A 7-day notice is sufficient when the change results from removing equipment that results in a permanent decrease in actual emissions.
Response: Rule 220, Subsection 403.2(j)(1) matches ADEQ's rule R18-2-317.01(A)(10)(a) effective September 22, 1999.

Comment: Rule 220, Section 404 (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Section 404 is not consistent with the applicability of the rule, regulates

administrative requirements on activities that have been historically unregulated, and will not result in any information that may reduce or prevent air pollution.

Response: Rule 220, Section 404 proposes activities that a source can conduct without having to make a permit revision. Rule 220, Section 404, as proposed, will alleviate the "burden" on the regulated community while still providing safeguards for Maricopa County to assure compliance and to track emissions. Rule 220, Section 404 matches ADEQ's rule R18-2-317.02 (Procedures For Certain Changes That Do Not Require A Permit Revision-Class II), which became effective September 22, 1999. The following finding has been made by ADEQ on this rulemaking package, and it also applies to Maricopa County: There are 6 kinds of facility changes that can be made without any immediate permit revision provided that prior notice to the [Control Officer] is given. In these situations, facilities are allowed to make the changes on relatively short notice – from 7-days to 30-days. No revision of the permit is necessary, but, if desired, a permit revision can take place up to a year later. Several factors account for the differences in notice times established in Rule 220. [The Control Officer] must affirm that the change does not require a permit revision and that the change is not subject to applicable requirements beyond those in the permit. [The Control Officer] must also confirm that there are no environmental consequences due to the change. The 6 kinds of facility changes can be implemented at the source immediately, without prior notice to [the Control Officer], if logs detailing the change are kept – simultaneously as the change is made. The logs are immediately accessible to [the Control Officer] and must be sent to [the Control Officer] each year. The logs allow [the Control Officer], on his own initiative, to gather facts and make investigations. As with notice changes, if the logged changes can be incorporated into the permit, an annual permit amendment incorporating all changes may be implemented by [the Control Officer], under Rule 220, Section 408 Amendments To A Permit). The former rules were silent regarding changes that could be made by a facility with no regulatory consequences. [Rule 220] states that if the change does not fall into 1 of 4 groups, there is no regulatory consequence. Because the 4 groups are described in considerable detail, the situations that have no regulatory consequence are also better delineated. For example, an increase in actual emissions greater than 10% of the major source threshold is a change requiring the source to submit a notice to [the Control Officer] (Rule 220, Subsection 404.3(b) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision)), but an increase in actual emissions of a conventional pollutant of less than 10% of the major source threshold has no regulatory consequence if it does not fall into the category requiring the source to log the change (Rule 220, Subsection 404.2) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision)) or into any of the 3 groups specified in [Rule 220]. Although this facility change might have had no regulatory consequences under the former Rule 220, the source may not have been able to ascertain this fact from reading the rule. [Rule 220], in contrast, more clearly defines, for sources, those operational changes at their facilities that trigger regulatory consequences or none at all.

Comment: Rule 220, Subsection 404.2 (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): As Maricopa County's rule is currently drafted, sources are not required to keep logs of changes that are not listed in the rule(s). The emissions caps provisions (in new Rule 201) would provide an opportunity to broaden the types of changes that may be made without any records. EPA proposes that the logging requirements be broadened to include changes that will or could potentially affect emissions (including changes that could debottleneck), changes that are or could potentially be subject to applicable requirements, and changes that would be subject to judgment calls. In addition, EPA suggests that after the new system has been in place for (1) or (2) years, EPA and the Arizona agencies should re-evaluate the need for logging all such changes and should determine if there is a way to further refine the requirement such that any superfluous information will not be logged.

Response: The changes that require logging, as written in Rule 220, Subsection 404.2, will remain as written. The situations that EPA proposes to be included as changes that require logging are already addressed in the rules (i.e., debottlenecking requires a permit revision). Maricopa County is willing to re-evaluate this rule after it has been in effect for (1) or (2) years.

Comment: Rule 220, Subsection 404.2 and Subsection 404.3 (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): EPA believes that, at a minimum, all changes should be logged; therefore, provisions that would exempt changes from written notice

and logging requirements are inappropriate. In addition, provisions that would allow the permitting authority to make changes to these requirements on a case-by-case basis appear to be inappropriate. In order to make such a provision approvable, Rule 220 would have to be amended to include the criteria by which decisions to modify logging and written notice requirements would be made, and those criteria would have to be approvable. Also, on-site records (i.e., logging) requirements and written notice requirements are not tied-to the changes a source makes in emissions of regulated air pollutants. No logging requirements nor written notice requirements should be required for any changes that do not result in an increase or decrease of regulated air pollutants.

Response: Only those changes described in Rule 220, Subsection 404.2 are to be logged. This provision does not change any New Source Review (NSR) requirements. In addition, Maricopa County has removed language from Rule 220 that allows Control Officer discretion. Rule 220, Subsection 404.2 and Subsection 404.3 match ADEQ's rule R18-2-317.02(B) and R18-2-317.02(C) effective September 22, 1999.

Comment: Rule 220, Subsection 404.2(a) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Subsection 404.2(a) is ambiguous. The text, alternative operating scenario, is not defined. Subsection 404.2(a) should read: Implementing an alternative operating scenario, as defined in the permit. This recommended language is consistent with Subsection 404.2(b) and Subsection 404.2(c), which base the logging requirements on activities specifically identified in the permit; It is also consistent with the way the concept is used in Title V, 40 Code Of Federal Regulations (CFR) Part 70. Maricopa County should add, to the end of Subsection 404.2(a) the text, providing there will be no new hazardous air pollutant (HAP) in the raw material changes.

Response: Maricopa County participated in facilitated workshops among ADEQ, Pima County, Pinal County, public interest groups, and environmental groups, to draft revisions to Rule 100 and Rule 220, and to draft new Rule 201. Rule 220, Subsection 404.2(a) is written as discussed and agreed upon during the facilitated workshops. Rule 220, Subsection 404.2(a) matches ADEQ's rule R18-2-317.02(B)(1) effective September 22, 1999.

Comment: Rule 220, Subsection 404.2(b) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Rule 220 must set out the criteria for what sorts of changes will be eligible for the "treatment" described in Subsection 404.2(b). As written, this provision appears to provide a catch-all category that could be expanded at will. EPA suggests that this subsection be changed to read: Changing process equipment, operating procedures, or making any other physical change that does not increase potential to emit, when the permit provides that such changes can be made if logged.

Response: Maricopa County changed Rule 220, Subsection 404.2(b) to read: Changing process equipment, operating procedures, or making any other physical change if the permit requires the change to be logged. Rule 220, Subsection 404.2(b) matches ADEQ's rule R18-2-317.02(B)(2) effective September 22, 1999.

Comment: Rule 220, Subsection 404.2(c) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Subsection 404.2(c) should be amended to only require logging of insignificant activities when the Control Officer is concerned about those activities (e.g., the source's emissions are near the major source threshold) and requires in the permit that the insignificant activities should be logged. If a Non-Title V application or the Non-Title V permit did not list any insignificant activities, does this mean that the source has a new burden to log these insignificant activities? Also, emissions from insignificant activities count towards potential to emit, so EPA suggests that Maricopa County re-write Subsection 404.2(c) to read: Engaging in any new insignificant activity listed in Rule 200, Section 303.3(c) but not listed in the permit. Also, the term, "listed", should be changed. An activity must not only be listed in Rule 200 as exempt from permitting, but an activity must also meet the requirements of being exempt from permitting.

Response: Maricopa County participated in facilitated workshops among ADEQ, Pima County, Pinal County, public interest groups, and environmental groups, to draft revisions to Rule 100 and Rule 220, and to draft new Rule 201. Rule 220, Subsection 404.2(c) is written as discussed and agreed upon during the facilitated workshops. Rule 220, Subsection 404.2(c) matches ADEQ's rule R18-2-317.02(B)(3) effective September 22, 1999. All emissions points, even insignificant

activities, are used when evaluating permitting thresholds. If a source conducts insignificant activities only, the source is not required to apply for a permit. Once a source receives a permit, though, insignificant activities must be used to determine the source's emissions.

Comment: Rule 220, Subsection 404.2(d) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Maricopa County should change this requirement from logging to written notice. The Control Officer should be notified of this change.
Response: Maricopa County participated in facilitated workshops among ADEQ, Pima County, Pinal County, public interest groups, and environmental groups, to draft revisions to Rule 100 and Rule 220, and to draft new Rule 201. Rule 220, Subsection 404.2(d) is written as discussed and agreed upon during the facilitated workshops. Rule 220, Subsection 404.2(d) matches ADEQ's rule R18-2-317.02(B)(4) effective September 22, 1999. The following finding has been made by ADEQ on this rulemaking package, and it also applies to Maricopa County: If a source knows that it is going to replace air pollution control equipment 7 days ahead of time, there is no essential difference in burden to the source between logging and 7-day notice. However, the decision to replace is often due to unplanned breakdowns or substandard performance in other equipment; when a work stoppage due to other reasons makes it a convenient time to replace air pollution control equipment that is still performing normally, but perhaps in the second half of its useful life. In these circumstances, it is not sound public policy to force sources into choosing between continuing operation with equipment they want or need to replace versus remaining shutdown to wait for an automatic approval. [Rule 220, Subsection 404.2(d)] is a facility change that requires very little oversight. Providing this flexibility, to the source, greatly benefits sources with no environmental impact and frees-up [Maricopa County] resources that would be better spent on more environmentally significant facility changes.

Comment: Rule 220, Subsection 404.2(e) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Subsection 404.2(e) should read: Making a change that results in a decrease in actual emissions of the same pollutants if the source wants to claim credit for the decrease in determining… Also, Subsection 404.2(e) implies that logging itself makes a change in emissions creditable.
Response: Rule 220, Subsection 404.2(e) matches ADEQ's rule R18-2-317.02(B)(5) effective September 22, 1999.

Comment: Rule 220, Subsection 404.3 (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): The introduction to Subsection 404.3 should be revised to describe that a source with a Non-Title V permit may make a change listed in Subsection 404.3 without revising its permit, as long as such change is not a change that is provided in the conditions applicable to an emissions cap created pursuant to Rule 201 of these rules or prohibited by other sections of this rule. In addition, Subsection 404.3 should be revised to describe that if a source provides written notice to the Control Officer in advance of a change, then such written notice must contain all information needed to verify and/or to evaluate such change.
Response: Maricopa County participated in facilitated workshops among ADEQ, Pima County, Pinal County, public interest groups, and environmental groups, to draft revisions to Rule 100 and Rule 220, and to draft new Rule 201. Rule 220, Subsection 404.3 is written as discussed and agreed upon during the facilitated workshops. Rule 220, Subsection 404.3 matches ADEQ's rule R18-2-317.02(C) effective September 22, 1999.

Comment: Rule 220, Subsection 404.3(b) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Subsection 404.3(b) should read: Making a physical change or change in the method of operation that increases actual emissions of the same pollutants more than 10% of the major source threshold for any conventional pollutant including hazardous air pollutants (HAPs) but does not require a permit revision: 7 days. Subsection 404.3(b) clearly states that a written notice is required for changes involving an increase in actual emissions of 10%. However, Rule 220 does not state what procedure changes involving less than 10% must follow. Also, Subsection 404.3(b) uses the term, conventional pollutant. Where is conventional pollutant defined?
Response: Rule 220, Subsection 404.3(b) matches ADEQ's rule R18-2-317.02(C)(2) effective September 22, 1999. The following finding has been made by ADEQ on this rulemaking

package, and it also applies to Maricopa County: The 10% major source threshold number was determined/decided after many workshops and extensive Stakeholder discussions. The number is a compromise and establishes a notice requirement for emission increases, when currently there is none. The number benefits sources, by providing predictability and benefits [the Control Officer] by providing new information…The language of [Rule 220] does not support the hypothesis that requiring notice for a greater than 10% increase means "complete regulatory exclusion" or means "do nothing" for increases of 10% or below. A key provision, in this new system for facility changes, is that, unlike the former rule, [Rule 220] expressly states when a change is completely excluded from regulatory consequences. [Rule 220, Subsection 403.2 (Source Changes That Require Non-Title V Permit Revisions)] states that in order for a change to have no regulatory consequence, it must not be 1 of 10 categories of changes that need a revision, nor 1 of 11 categories that need logging or notice. It is not sufficient (for exclusion) that the change increase actual emissions less than 10%; that is only 1 of the conditions. Therefore, the proposed rule does not mean a "do nothing" approach for increases of 10% or below. If anything, it is the current [Rule 220] that allows the "do nothing" approach. For actual emission increases of 9%, 11%, and even 50% of the major source threshold, the current [Rule 220] is silent. The term, conventional air pollutant is defined in Arizona Revised Statutes (ARS) §49-401.01. Per ARS §49-401.01, conventional air pollutant means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary national ambient air quality standard (NAAQS) (i.e., for carbon monoxide (CO), nitrogen oxides (NO_X), lead, sulfur oxides (SO_X) measured as sulfur dioxides (SO_2), ozone, and particulates).

Comment: Rule 220, Subsection 404.3(d) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): If the applicable requirement already exists in the permit, why would making any change that would trigger an applicable requirement require 30 days notice? Also, Subsection 404.3(d) is a "Catch 22". A source cannot make such change, unless the applicable requirement is in the permit already, and a source must notify the Control Officer 30 days before making such change, if there is an applicable requirement that does apply.
Response: Rule 220, Subsection 404.3(d) matches ADEQ's rule R18-2-317.02(c)(4) effective September 22, 1999.

Comment: Rule 220, Subsection 404.3(e) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): By requiring a source to submit written notice 7 days prior to making a change that amounts to reconstruction of the source or an affected facility means that a source can expand by 50% just by sending a 7 day notice. Also, Subsection 404.3(e) cannot be done, if there are New Source Performance Standards (NSPS).
Response: Rule 220, Subsection 404.3(e) matches ADEQ's rule R18-2-317.02(C)(5) (Procedures For Certain Changes That Do Not Require A Permit Revision-Class II), which became effective September 22, 1999. The following finding has been made by ADEQ on this rulemaking package, and it also applies to Maricopa County: There are 6 kinds of facility changes that can be made without any immediate permit revision provided that prior notice to the [Control Officer] is given. In these situations, facilities are allowed to make the changes on relatively short notice – from 7-days to 30-days. No revision of the permit is necessary, but, if desired, a permit revision can take place up to a year later. Several factors account for the differences in notice times established in Rule 220. [The Control Officer] must affirm that the change does not require a permit revision and that the change is not subject to applicable requirements beyond those in the permit. [The Control Officer] must also confirm that there is no environmental consequences due to the change.

Comment: Rule 220, Subsection 404.3(f) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Are hazardous air pollutants (HAPs) and emissions caps included?
Response: Rule 220, Subsection 404.3(f) matches ADEQ's rule R18-2-317.02(C)(6) (Procedures For Certain Changes That Do Not Require A Permit Revision-Class II), which became effective September 22, 1999.

Comment: Rule 220, Subsection 404.4 (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Maricopa County should add, to Subsection 404.4, that if a control

device is to be replaced, the applicable emission source equipment shall not be operated until the new control device is in place and is operated. In addition, the statement, the minimum amount of time, in the first sentence should be clarified.
Response: Rule 220, Subsection 404.4 matches ADEQ's rule R18-2-317.02(D). The following finding has been made by ADEQ on this rulemaking package, and it also applies to Maricopa County: There are 6 kinds of facility changes that can be made without any immediate permit revision provided that prior notice to the [Control Officer] is given. In these situations, facilities are allowed to make the changes on relatively short notice – from 7-days to 30-days. No revision of the permit is necessary, but, if desired, a permit revision can take place up to a year later. Several factors account for the differences in notice times established in Rule 220. [The Control Officer] must affirm that the change does not require a permit revision and that the change is not subject to applicable requirements beyond those in the permit. [The Control Officer] must also confirm that there are no environmental consequences due to the change. The 6 kinds of facility changes can be implemented at the source immediately, without prior notice to [the Control Officer], if logs detailing the change are kept – simultaneously as the change is made. The logs are immediately accessible to [the Control Officer] and must be sent to [the Control Officer] each year. The logs allow [the Control Officer], on his own initiative, to gather facts and make investigations. As with notice changes, if the logged changes can be incorporated into the permit, an annual permit amendment incorporating all changes may be implemented by [the Control Officer], under Rule 220, Section 408 (Amendments To A Permit). The former rules were silent regarding changes that could be made by a facility with no regulatory consequences. [Rule 220] states that if the change does not fall into 1 of 4 groups, there is no regulatory consequence. Because the 4 groups are described in considerable detail, the situations that have no regulatory consequence are also better delineated. For example, an increase in actual emissions greater than 10% of the major source threshold is a change requiring the source to submit a notice to [the Control Officer] (Rule 220, Subsection 404.3(b) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision)), but an increase in actual emissions of a conventional pollutant of less than 10% of the major source threshold has no regulatory consequence if it does not fall into the category requiring the source to log the change (Rule 220, Subsection 404.2) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision)) or into any of the 3 groups specified in [Rule 220]. Although this facility change might have had no regulatory consequences under the former Rule 220, the source may not have been able to ascertain this fact from reading the rule. [Rule 220], in contrast, more clearly defines, for sources, those operational changes at their facilities that trigger regulatory consequences or none at all.

Comment: Rule 220, Subsection 404.5(c) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Subsection 404.5(c) should include the method of calculation and the emission factors used.
Response: Rule 220, Subsection 404.5(c) matches ADEQ's rule R18-2-317.02(D)(3) effective September 22, 1999.

Comment: Rule 220, Subsection 404.5(d) (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision): Subsection 404.5(d) should read: The written notice shall include...any permit term or condition that is no longer applicable or to be revised as a result of the change.
Response: Rule 220, Subsection 404.5(d) matches ADEQ's rule R18-2-317.02(D)(4) effective September 22, 1999.

Comment: Rule 220, Subsection 405.1(b) and Subsection 405.1(c) (Permit Revisions-Administrative Permit Revisions): Subsection 405.1(b) no longer allows administrative permit revisions for "similar minor administrative changes". Also, Maricopa County should re-write Subsection 405.1(b) to read: An administrative permit revision is required to change the name, address (except the permitted facility site address), or phone number of any person identified in the Non-Title V permit.
Response: ADEQ's rule R18-2-318(A)(4) reads: An administrative permit amendment is a permit revision that…allows for a change in ownership or operational control of a source, as approved under R18-2-323 (Permit Transfers), where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of

permit responsibility coverage and liability between the current and new permittee has been submitted to the Director.

Comment: Rule 220, Subsection 405.1(c)(Permit Revisions-Administrative Permit Revisions): Allow a small source to transfer a permit to another applicant either 30 days before or 30 days after the sale.
Response: Rule 220, Subsection 405.1(c) matches ADEQ's rule R18-2-318(A)(4) effective September 22, 1999. Also, Rule 220, Subsection 406.3(a)(1) allows a source to implement the change(s) addressed in the administrative permit revision application, after the source files the application with the Control Officer.

Comment: Rule 220, Subsection 405.2(a)(2) (Permit Revisions-Minor Permit Revisions): Maricopa County should include levels of hazardous air pollutants (HAPs)? Also, Maricopa County should clarify its intent, because "case-by-case determination of an emission limitation or other standard" is extremely vague and could be interpreted to include almost any change that occurs at a source.
Response: Rule 220, Subsection 405.2(a)(2) matches ADEQ's rule R18-2-319(b)(1)(b) effective September 22, 1999.

Comment: Rule 220, Subsection 405.2(d) (Permit Revisions-Minor Permit Revisions): Subsection 405.2(d) states that a source with a Non-Title V permit shall apply for a minor permit revision, before making a change that results in emissions which are subject to monitoring, recordkeeping, or reporting under Rule 220 of these rules, if the emissions cannot be measured or otherwise adequately quantified by monitoring, recordkeeping, or reporting requirements already in the permit. However, calculation methods are often not specified in a permit, especially if the source is permitted, based on its potential to emit. Subsection 405.2(d) is too vague.
Response: Rule 220, Subsection 405.2(d) matches ADEQ's rule R18-2-319(B)(4) effective September 22, 1999.

Comment: Rule 220, Subsection 405.2(f) (Permit Revisions-Minor Permit Revisions): Maricopa County should add a second sentence to Subsection 405.2(f): During the replacement of the air pollution control equipment, a shutdown will be required to reduce the emissions, unless prior approval is obtained from the Control Officer.
Response: Rule 220, Subsection 405.2(f) matches ADEQ's rule R18-2-319(B)(6) effective September 22, 1999.

Comment: Rule 220, Subsection 405.3(a) (Permit Revisions-Non-Minor Permit Revisions): Maricopa County should re-write Subsection 405.3(a) to read: Establishing a voluntarily accepted emission limitation or before increasing a voluntarily accepted emission limitation.
Response: Rule 220, Subsection 405.3(a) matches ADEQ's rule R18-2-320(B)(1) effective September 22, 1999: Establishing or revising a voluntarily accepted emission limitation or standard described in Section 304 of this rule or an emissions cap described in Rule 201 of these rules, except a decrease in the limitation authorized by subsection 405.2(e) of this rule.

Comment: Rule 220, Subsection 405.3(e) (Permit Revisions-Non-Minor Permit Revisions): Maricopa County should re-write Subsection 405.3(e) to read: A change that will cause the source to violate an existing applicable requirement, involving the conditions establishing an emissions cap.
Response: Rule 220, Subsection 405.3(e) matches ADEQ's rule R18-2-320(B)(5) effective September 22, 1999.

Comment: Rule 220, Subsection 405.3(f) (Permit Revisions-Non-Minor Permit Revisions): Maricopa County should add the text, except those conditions under minor permit revisions (i.e., recordkeeping and monitoring. Without such text, Subsection 405.3(f) includes almost anything. Also, Maricopa County should change Subsection 405.3(f) to read: A change that will involve any of the following…

Response: Rule 220, Subsection 405.3(f) matches ADEQ's rule R18-2-320(B)(6) effective September 22, 1999.

Comment: Rule 220, Subsection 405.3(g) (Permit Revisions-Non-Minor Permit Revisions): If a Non-Title V source is making a change that requires a Title V permit. Such Non-Title V source should just submit a Title V Permit application – not a permit revision.
Response: Rule 220, Subsection 405.3(g) matches ADEQ's rule R18-2-320(B)(7) effective September 22, 1999.

Comment: Rule 220, Subsection 406.1 (Permit Revision Procedures-The Source's Responsibility For A Notification Of A Permit Revision): Maricopa County should specify a certain timeframe (i.e., 60 days) in which a source shall submit a written request for an administrative permit amendment to the Control Officer.
Response: The timeframe in which a source must submit a written request for an administrative permit revision to the Control Officer is described in Rule 220, Subsection 406.1; Rule 220, Subsection 406.1 requires that a source notify the Control Officer before implementing the change(s) addressed in the administrative permit revision application. Also, Rule 220, Subsection 406.3(a)(1) allows the source to implement the change(s) addressed in the administrative permit revision application after the source files the application with the Control Officer.

Comment: Rule 220, Section 406 (Permit Revisions Procedures): Section 406 refers to a duty to notify Maricopa County of a permit revision. Nowhere in the rules is there any discussion of a duty to notify Maricopa County of a permit revision. All of the permit revision timelines begin upon receipt of a permit revision application. The application serves as notice of the permit revision. Accordingly, the use of the term, notification, is confusing.
Response: Per Rule 200, a permit or a permit revision is required for any source subject to the Maricopa County Air Pollution Control Regulation. A permit is applied-for via an application (i.e., per Rule 200, Section 308, a permit application shall be filed in a manner prescribed by the Control Officer…The application shall contain all information necessary…to grant or to deny the permit or permit revision...). A permit revision is applied-for via an application (i.e., an administrative permit revision application, a minor permit revision application, or a non-minor permit revision application) or is made via logging or via a written notice. Per Rule 220, Section 408, the Control Officer may amend any Non-Title V permit annually without following Rule 200, Section 407 (Permit Reopenings), in order to incorporate changes reflected in logs or written notices.

Comment: Rule 220, Subsection 406.2(b)(3) (Permit Revisions Procedures-The Control Officer's Responsibility For Action On A Notification Of A Permit Revision-Minor Permit Revision): Subsection 406.2(b)(3) should read: The Control Officer shall do one or more of the following within 60 days of receipt of a notification of a minor permit revision…determine that the notification is not complete or does not meet the minor permit revision criteria and should be reviewed...
Response: Rule 220, Subsection 406.2(b)(3) matches ADEQ's rule R18-2-319(F)(1)(c) effective September 22, 1999. Rule 220, Subsection 301.4 (Permit Application Processing Procedures) describes the criteria for a "complete application".

Comment: Rule 220, Subsection 406.2(c) (Permit Revisions Procedures-The Control Officer's Responsibility For Action On A Notification Of A Permit Revision): Subsection 406.2(c) is not written clearly. Maricopa County should revise Subsection 406.2(c) to read: …shall take final action on the majority of the notifications of non-minor permit revisions within 90 days of receipt. In no case shall the final action take longer than 9 months.
Response: Maricopa County changed Rule 220, Subsection 406.2(c) to read as suggested.

Comment: Rule 220, Subsection 406.3(a)(1) (Permit Revision Procedures-The Source's Ability To Make Changes Requested In A Notification Of A Permit Revision): Maricopa County should include a provision that after review of the administrative permit revision application or the minor permit revision application, the source may have to make further/additional changes.

Response: Rule 220, Subsection 406.3(a)(1) matches ADEQ's rule R18-2-318(E) effective September 22, 1999. Rule 220, Section 404 describes changes that a source is allowed to make without having to submit an administrative permit revision, a minor permit revision, or a non-minor permit revision.

Comment: Rule 220, Section 407 (Public Participation): Section 407 sets forth public participation procedures for Rule 280, Subsection 402.2, Table B sources. Nowhere is there any discussion of the public participation procedures for Table A sources. In addition, it is unclear whether these revisions are consistent with the public participation requirements of the Arizona Revised Statutes (ARS) §49-426(E) and ARS §49-480.
Response: In the final draft – March 31, 2000, Maricopa County re-wrote Rule 220, Section 407 to require that the Control Officer provide public notice and an opportunity for public comment, before taking any of the following actions: (1) issuing or renewing a permit to a Non-Title V source listed in Rule 280 (Fees), Subsection 402.1 (Table A Sources (i.e., large Non-Title V sources)); (2) issuing a non-minor permit revision to a Non-Title V source listed in Rule 280, Subsection 402.1 (Table A Sources); (3) revoking and reissuing or reopening a permit to a Non-Title V source listed in Rule 280, Section 402 (Table A, Table B Sources (i.e., medium Non-Title V sources), And Table C Sources (i.e., small Non-Title V sources)); or (4) issuing a conditional permit under Rule 120 (Conditional Orders) to a Non-Title V source listed in Rule 280, Section 402 (Table A, Table B, And Table C Sources). Also, in the final draft – March 31, 2000, Maricopa County re-wrote Rule 220, Subsection 407.2 to require that, for sources listed in Rule 280, Section 402 (Table A, Table B, And Table C Sources), the Control Officer shall publish, once each week, a list of all permit applications received. And, in the final draft – March 31, 2000, Maricopa County re-wrote Rule 220, Subsection 407.3 to require that, for sources listed in Rule 280, Section 402 (Table A, Table B, And Table C Sources), the Control Officer shall publish, in a newspaper once each month, a list of all permits issued. The intent of these rules is to prevent, reduce, control, correct, or remove air pollution originating within the territorial limits of Maricopa County and to carry out the mandates of Arizona Revised Statutes (ARS), Title 49 (The Environment). Maricopa County's revisions are consistent with the mandates of ARS, Title 49, which include the requirements in ARS §49-480 (Permits; Fees).

Comment: Rule 220, Subsection 407.1(b) (Public Participation): Maricopa County should re-write Subsection 407.1(b) to read: Issuing a non-minor permit revision, except Table B sources.
Response: In the final draft – March 31, 2000, Maricopa County re-wrote Rule 220, Section 407 to require that the Control Officer provide public notice and an opportunity for public comment, before taking any of the following actions: (1) issuing or renewing a permit to a Non-Title V source listed in Rule 280 (Fees), Subsection 402.1 (Table A Sources (i.e., large Non-Title V sources)); (2) issuing a non-minor permit revision to a Non-Title V source listed in Rule 280, Subsection 402.1 (Table A Sources); (3) revoking and reissuing or reopening a permit to a Non-Title V source listed in Rule 280, Section 402 (Table A, Table B Sources (i.e., medium Non-Title V sources), And Table C Sources (i.e., small Non-Title V sources)); or (4) issuing a conditional permit under Rule 120 (Conditional Orders) to a Non-Title V source listed in Rule 280, Section 402 (Table A, Table B, And Table C Sources).

Comment: Rule 220, Section 408 (Amendments To A Permit): It appears that this provision is designed to avoid the situation where different pieces of the permit are on different renewal schedules. If this is the case, it might be clearer to state that the permit amendment shall not affect the renewal date of the permit. EPA recommends that Rule 220, Section 408 read: Annual Summary Permit Amendments For Non-Title V Permits: The Control Officer shall evaluate each change logged or noticed by the permittee to determine compliance with the provisions of this rule and to determine if a permit revision is necessary to incorporate changes reflected in the logs or notices filed under this rule. Where a permit revision is necessary, the Control Officer shall amend the permit annually. The amendment may be made without following Rule 200, Section 402 and shall be effective to the anniversary date of the permit.
Response: Maricopa County's intent throughout this rulemaking process has been to provide that the Control Officer review logs annually but not necessarily amend permits annually for which such logs apply. In addition, Maricopa County's intent throughout this rulemaking process has

been to provide that the Control Officer amend permits, so as to accurately describe the equipment or operations of a source. This intention/provision is different from the provision described in Rule 220, Subsection 404.6 (Procedures For Certain Changes That Do Not Require A Non-Title V Permit Revision). Rule 220, Section 408 matches ADEQ's rule R18-2-318.01 effective September 22, 1999.

Comment: Rule 220, Section 500 (Monitoring And Records): At a minimum, Rule 220 should require that each log entry include a description of the change, any changes in emissions that will result from the change, and when the change occurred.
Response: A log was never intended as an enforcement tool for New Source Review (NSR) requirements and was never intended to include emissions. The emissions inventory is the vessel for reviewing emissions each year. A log, however, is intended to update a source's equipment and/or to update a source's operations. Maricopa County has included in Rule 220, Subsection 502.1 (Log Format Specifications), a requirement that a log include a description of the change and when the change occurred (i.e., date and time).

Comment: Rule 220, Section 502 (Log Format Specifications): Some of the logging requirements establish the possibility for non-compliance for logging details, which add little value to the Control Officer.
Response: Maricopa County, along with ADEQ, Pima County, Pinal County, and the many stakeholders in this rulemaking process, met with and held conference calls with EPA throughout this rulemaking process, to discuss EPA's comments regarding proposed revisions to Rule 100, New Rule 201, and Rule 220. The text of Rule 220, Section 502 is written as discussed and agreed upon by all representatives participating in these discussions. Rule 220, Section 502 matches ADEQ's Appendix 3 effective September 22, 1999.

Comment: Rule 220, Subsection 502.1 (Log Format Specifications): Subsection 502.1 should include the date of the last entry made in the log. Also, Subsection 502.1 should include, for each log entry, changes in emissions, if not exempt, and how emissions were calculated.
Response: Rule 220, Subsection 502.1 matches ADEQ's rule Appendix 3 (Logging) effective September 22, 1999. Rule 220, Subsection 502.1 requires that a log entry include the date the log entry was made and a description of the process change and/or a description of the process material change.

Comment: Rule 220, Subsection 502.1(b) (Log Format Specifications): Subsection 502.1(b) requires the permittee to log the model and serial numbers for both old and new pieces of equipment. This requirement should be limited to air pollution control devices for which such information is more pertinent. For other equipment change-outs, Subsection 502.1(b) should be revised to fit the format of the current minor modification permit application. Minor modification permit applications require equipment identification and descriptions for new pieces of equipment. This format gives flexibility to the permittee to use model, serial number, or internal identification numbers to identify the equipment. Internal identification numbers are easily visible on each piece of machinery. Model and serial numbers, on the other hand, would be difficult for the permittee and the Control Officer to locate and track. Finally, there seems to be little value in tracking old pieces of equipment for model and serial numbers.
Response: Rule 220, Subsection 502.1(b) allows the use of the model number, if any, the serial number, or any other unique equipment number. Rule 220, Subsection 502.1(b) matches ADEQ's Appendix 3 effective September 22, 1999.

Comment: Rule 220, Subsection 502.2 (Log Format Specifications): Is it necessary to include the time that a change occurred? It is certainly understandable to record the date a change occurred, but is it really important to log that, for instance, a new radial-arm saw at a woodworking shop was first switched-on at 1:15 pm or that a switch in acid chemistry in an acid bath at a semiconductor manufacturing plant occurred at 10 am? Does requiring the time a change occurred relate to calculating hourly emission limits described in a permit? Nevertheless, it seems like an undue burden to record the time of a mechanical equipment change, but it may be applicable to record the time of a process or chemical change.

Response: Rule 220, Subsection 502.2 matches ADEQ's Appendix 3 (Logging) effective September 22, 1999. The following finding has been made by the Arizona Department of Environmental Quality (ADEQ) on this rulemaking package, and it also applies to Maricopa County: The concept of logging is that events are recorded as they occur. Permit conditions relating to alternative operating scenarios and other critical processes at a permitted facility sometimes necessitates that not only the day of the change, but also the time of day of the change be known. The term, "time", has been left-in because knowing the time that a change occurred may be necessary for compliance and enforcement purposes.

Comment: Rule 220, Subsection 502.3 (Log Format Specifications): Subsection 502.3 requires the permittee to cite, in its logs, the rule that requires logging. All logging requirements, however, are defined in Rule 220, Section 404. Rule 220, Subsection 502.2 requirements; therefore, add no value to log entries.
Response: Maricopa County, along with ADEQ, Pima County, Pinal County, and the many stakeholders in this rulemaking process, met with and held conference calls with EPA throughout this rulemaking process, to discuss EPA's comments regarding proposed revisions to Rule 100, New Rule 201, and Rule 220. The text of Rule 220, Subsection 502.3 is written as discussed and agreed upon by all representatives participating in these discussions. Rule 220, Subsection 502.3 matches ADEQ's Appendix 3 effective September 22, 1999.

Comment: Rule 220, Section 503 (Log Filing): If semi-annual compliance reports are required, then semi-annual logging reports should be required also.
Response: Rule 220, Section 503 matches ADEQ's rule R18-2-317.02(I) effective September 22, 1999. The following finding has been made by the Arizona Department of Environmental Quality (ADEQ) on this rulemaking package, and it also applies to Maricopa County: There are 6 types of facility changes that can be implemented at the source immediately, without prior notice to the Control Officer, if logs detailing the change are kept contemporaneously. These logs are immediately accessible to the Control Officer and must be sent to the Control Officer every year. These logs allow the Control Officer, on his own initiative, to gather facts and to make investigations. As with changes made by written notice, if the logged changes can be incorporated into the permit, then an annual permit amendment incorporating all changes may be implemented by the Control Officer.

Comment: Appendix E, Surface Coating And Printing Equipment, Item #1: Maricopa County should include powder paint booths and should define hazardous air pollutants (HAPs).
Response: Although Appendix E, Surface Coating And Printing Equipment, Item #1 does not specifically include powder paint booths, the Control Officer may determine that a powder paint booth is a trivial activity, if such powder paint booth meets certain criteria. See the introduction to Appendix E. Hazardous air pollutants (HAPs) are defined in Maricopa County Air Pollution Control Regulations Rule 370 (Federal Hazardous Air Pollutant Program): Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to national emission standards for hazardous air pollutants (NESHAP), or any air pollutant designated by the Director as a hazardous air pollutant under Arizona Revised Statutes (ARS) §49-426.04.

Comment: Appendix E, Internal Combustion Equipment, Item #2: How does Internal Combustion Equipment, Item #2 relate to Rule 200 (Permit Requirements), Section 303.3(c)(5) (Non-Title V Permit-Internal Combustion Equipment)?
Response: Internal Combustion Equipment, Item #2 applies to stationary sources not to portable sources. In order for this activity to be considered an insignificant activity, the activity cannot exceed 4,000 pounds of NOx or CO per year.

Comment: Appendix E, Repair And Maintenance, Item #2: What is the meaning of the statement, cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements?
Response: The statement, cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements, is intended to mean that these activities can be included at trivial activities, if these activities are not conducted as part of a manufacturing process, are not related to a source's primary business activity, and are not otherwise triggering a permit modification.

Comment: Appendix E, Storage And Distribution, Item #1: Storage And Distribution, Item #1 should read: Unheated storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP or any other regulated air pollutant.
Response: Appendix E, Storage And Distribution, Item #1 matches ADEQ's rule R18-2-101(117) effective September 22, 1999.

Comment: Appendix E, Storage And Distribution, Item #9: Maricopa County should define the text, trace amounts.
Response: For the purpose of Appendix E, in order for surface impoundments containing acids and/or solvents to be considered trivial, trace amounts of acid and/or solvents cannot exceed the limits established in Rule 200 (Permit Requirements), Subsection 303.3(c)(7)(j): A Non-Title V Permit is not required as long as a source whose aggregate of all miscellaneous equipment, processes or production lines not otherwise identified in Rule 200, Subsection 303.3(c) has total uncontrolled emissions of less than three pounds (1.4 kg) VOC or PM-10 during any day and less than 5.5 pounds (2.5 kg) of any other regulated air pollutant during any day.

Comment: Appendix E, Hand Operated Equipment, Item #4: Gasoline engines and diesel engines should be included.
Response: Appendix E, Hand Operated Equipment, Item #4 matches ADEQ's rule R18-2-101(117) effective September 22, 1999.

Comment: Appendix E, Roadways And Motor Vehicles, Item #3: Maricopa County should re-write Roadways And Motor Vehicles, Item #3 to read: General vehicle maintenance activities at the source except painting.
Response: Painting for general vehicle maintenance would not be considered a trivial activity if such painting were part of a manufacturing process, were related to the source's primary business activity, and/or would trigger a permit revision.

Comment: Appendix E, Miscellaneous Activities, Item #27 (Acid, solvent, and other chemical storage): Maricopa County should delete Miscellaneous Activities, Item #27.
Response: For the purpose of Appendix E, in order for acid, solvent, and other chemical storage to be considered trivial, acid, solvent, and other chemical storage cannot exceed the limits established in Rule 200 (Permit Requirements), Subsection 303.3(c)(7)(j): A Non-Title V Permit is not required as long as a source whose aggregate of all miscellaneous equipment, processes or production lines not otherwise identified in Rule 200, Subsection 303.3(c) has total uncontrolled emissions of less than three pounds (1.4 kg) VOC or PM-10 during any day and less than 5.5 pounds (2.5 kg) of any other regulated air pollutant during any day.

12. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

Public Hearing: Wednesday, July 26, 2000
Maricopa County Board Of Supervisors' Auditorium
205 West Jefferson Street, Phoenix, Arizona

Call 602-506-0169 for current information. Copies of this Notice Of Final Rulemaking re: Rules 100, 201, 220, Appendix D, and Appendix E will be available at least 30 days before the Public Hearing for public inspection at the offices of the Maricopa County Environmental Services Department, Air Quality Division, 1001 North Central Avenue, #201, Phoenix, Arizona, 85004, Phone 602-506-6794, and on the internet at http://www.maricopa.gov/sbeap. A sign language interpreter, alternative form materials, or infrared assistive listening devices will be made available upon request with 72 hours notice. Additional reasonable accommodations will be made available at the Public Hearing to the extent possible within the time frame of the request. Request should be made to 602-506-6794.

13. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rules or class of rules:

Not applicable.

14. Incorporations by reference:

Not applicable.

15. The full text of the final draft rules follows:

Due to the size of this rulemaking package, the final draft rules are located in separate documents.

Note: Draft Rule 100 includes not only the revisions proposed in the Facility Change Rulemaking Package, but also the revisions proposed in the Excess Emissions Rulemaking Package and in the Rule 100 And Rule 500 Rulemaking Package.